

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOTIMA MANGUNGU and GRACE
MANGUNGU,

Plaintiffs,

v.

CITY OF SEATTLE; SEATTLE POLICE
DEPARTMENT; OFFICER TOM CONRAD
and JANE DOE CONRAD, husband and
wife and the marital community composed
thereof; and SERGEANT STEVEN
JANDOC and JANE DOE JANDOC,
husband and wife and the marital
community composed thereof,

Defendants.

No. C03-1053P

DECLARATION OF JENNIFER A.
TRAN IN REPLY REGARDING
MOTION FOR EXTENSION OF
TIME

**NOTED ON MOTION CALENDAR:
WEDNESDAY, MAY 12, 2004**

JENNIFER A. TRAN declares as follows:

1. I am one of the attorneys of record for the defendant City of Seattle and
make this declaration of my own personal knowledge.

2. By Minute Order dated March 12, 2004 (Dkt. 44), defendant City of Seattle
was ordered to produce IIS documents relating to complaints of assaults and unlawful

DECLARATION OF JENNIFER A. TRAN IN
REPLY REGARDING MOTION FOR EXTENSION
OF TIME - C03-1053P - 1

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
Professional Corporation

A T T O R N E Y S
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
FAX (206) 624-6885

1 detentions for one year preceding April 23, 2001. Defendant City of Seattle was further
 2 ordered to prepare and submit a log with the documents describing why each should be
 3 protected.

4 3. On April 15, 2004, defendant City of Seattle submitted 56 IIS files for *in*
 5 *camera* review, along with a confidential memorandum setting forth its bases why said
 6 documents should not to be disclosed. Prior to the IIS files being produced for the
 7 court's *in camera* review, attorneys (and/or staff of attorneys) for defendant City of
 8 Seattle highlighted portions of the files which contained privileged identifying information
 9 of the complainant where confidentiality was sought by the complainant, identifying
 10 information of the named employees, civilian witnesses and police officer witnesses.
 11 This task was undertaken by three attorneys and one staff member who spent
 12 approximately 94 hours reviewing and highlighting the IIS documents. To promptly
 13 produce these files to the court, attorneys and staff worked through the evening hours.

14 4. On Thursday, April 29, 2004, the court entered its Order Re: Internal
 15 Investigation Files. The city received electronic notification of the order the next day,
 16 Friday April 30, 2004 at approximately 1:30 p.m. Attached hereto as Exhibit A is a true
 17 and correct copy of the electronic notification I received. The court ordered the city to
 18 produce the IIS files to plaintiff "within 7 days of the entry of this order," thereby
 19 rendering the materials due by Thursday, May 6, 2004.

20 5. Upon receipt of the Order Re: Internal Investigation Files, I sought help
 21 from attorneys and legal assistants at my firm to help complete the task ordered by the
 22 court. By Monday, I was only able to enlist two staff members who could volunteer
 23 several hours to help me complete this task. They began redacting the portions that the

DECLARATION OF JENNIFER A. TRAN IN
 REPLY REGARDING MOTION FOR EXTENSION
 OF TIME - C03-1053P - 2

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
 —Professional Corporation—

A T T O R N E Y S
 3100 TWO UNION SQUARE
 601 UNION STREET
 SEATTLE, WASHINGTON 98101-1374
 TEL. (206) 623-9900
 FAX (206) 624-6885

1 city had previously highlighted when the IIS files were originally produced to the court.
 2 Upon realization that the information that had previously been highlighted was not
 3 addressed by the court's order, I immediately called the court on Monday, May 3, 2004,
 4 seeking clarification of the order as it related to civilian witnesses, police officer
 5 witnesses, medical records and criminal history records. If there had been sufficient
 6 time to formally move for clarification or reconsideration of the court's order, without
 7 technically violating the deadline imposed by the court, I would have filed either a
 8 motion for reconsideration or motion for clarification without telephoning the court.
 9 During this call, I was told that I must formally move for clarification if one was needed.
 10 The city filed its motion for clarification and extension of time that same day (Dkt. 65)
 11 and was required by the local rule to note its motion for consideration 7 judicial days
 12 from the filing of the motion. Accordingly, the motion for clarification and motion for
 13 extension of time was noted May 12, 2004.

14 6. On Tuesday, May 4, 2004, I received a call from the court noting that the
 15 court did not intend the order to allow for the redaction of any identifying information
 16 regarding civilian witnesses or police officer witnesses, nor did the court intend the order
 17 to preclude the disclosure of medical records or criminal history records. I was asked
 18 whether the city still wished to have the court consider the motion for clarification. I
 19 informed the court that the motion for clarification was moot in light of the court's oral
 20 clarification but that the city still wished to pursue its motion for an extension of time.
 21 That same day the court issued a minute order (Dkt. 66) clarifying its previous order
 22 regarding the redaction and production of the 56 IIS files. The court struck the city's
 23

DECLARATION OF JENNIFER A. TRAN IN
 REPLY REGARDING MOTION FOR EXTENSION
 OF TIME - C03-1053P - 3

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
Professional Corporation

A T T O R N E Y S
 3100 TWO UNION SQUARE
 601 UNION STREET
 SEATTLE, WASHINGTON 98101-1374
 TEL. (206) 623-9900
 FAX (206) 624-6885

1 substantive portion of the motion and deferred ruling on the extension of time until
2 plaintiff had the opportunity to respond.

3 7. Due to the court's clarification of its previous order, IIS files which my staff
4 and I had already redacted were totally discarded and the process of redacting the IIS
5 documents pursuant to the court's minute order (Dkt. 66) began again in earnest.
6 Because the court's order allowed for redaction of information that was *different* from
7 what the city had previously highlighted, the city was required to re-review each file and
8 only redact identifying information pertaining to the complainant and the named
9 employee. Due to the limited time to produce documents, a total of six staff members
10 have devoted a portion of their time to this task. Throughout this process, we diligently
11 worked to meet the court's deadline. I personally took IIS files home with me and on
12 one occasion stayed up until 2:00 a.m. to redact identifying information. I am aware that
13 one staff member took IIS files with her to the hospital to work on while her son was in
14 surgery. My team worked diligently in an attempt to meet the court's deadline and spent
15 approximately an additional 70.5 billable hours working on the project.

16 8. The city moved for an extension of time to produce the documents in large
17 part because the city's motion for clarification could not be noted until May 12, 2004, six
18 (6) days after the time in which the city was required to perform. Even if the city had not
19 moved for clarification, the task of redacting 55 IIS files is an extremely time-consuming
20 task. An extension of time was necessary in light of the enormous task of re-reviewing
21 each of the 55 IIS file, page-by-page, and line-by-line. The task was not only time-
22 consuming but also exhausting to the eyes. Because there was a high chance of
23 missing identifying information during the first round of redacting, we were required to

DECLARATION OF JENNIFER A. TRAN IN
REPLY REGARDING MOTION FOR EXTENSION
OF TIME - C03-1053P - 4

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
Professional Corporation

A T T O R N E Y S
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
FAX (206) 624-6885

1 skim each of the files again to catch any errors. The city did not intend to unjustly delay
2 trial of this matter nor did it intend to disregard the deadline imposed by the court.
3 Rather, the city intended to comply with the spirit of the court's order while preserving
4 the interests of the client and privacy rights of the individuals involved with each of the
5 55 IIS files.

6 I declare under penalty of perjury according to the laws of the State of
7 Washington that the foregoing is true and correct.

8 DATED this 11th day of May, 2004, at Seattle, Washington.

9
10 /s/Jennifer A. Tran via ECF
11 Jennifer A. Tran
12
13
14
15
16
17
18
19
20
21
22
23

DECLARATION OF JENNIFER A. TRAN IN
REPLY REGARDING MOTION FOR EXTENSION
OF TIME - C03-1053P - 5

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
Professional Corporation

A T T O R N E Y S
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
FAX (206) 624-6885

Certificate of Service

I certify that on the date noted below I presented DECLARATION OF JENNIFER A. TRAN IN REPLY REGARDING MOTION FOR EXTENSION OF TIME to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following persons:

Andrew Schwarz
awslaw@wolfnet.com
119 - 1st Avenue, #320
Seattle, WA 98104
(206) 622-9909
FAX: (206) 622-6636
Attorney for Plaintiffs

and I certify that I have caused to be served in the manner noted below a copy of the above-listed document to the following non CM/ECF participants:

☐ Via Facsimile
☐ Via First Class Mail
☐ Via Messenger

DATED this _____ day of May, 2004, at Seattle, Washington.

/s/ Jennifer A. Tran, via ECF
Jennifer A. Tran, WSBA #28756

DECLARATION OF JENNIFER A. TRAN IN
REPLY REGARDING MOTION FOR EXTENSION
OF TIME - C03-1053P - 6

U:\CLIENTS\3019\24597\PLD MOT4 EXTENSION OF TIME -JAT DEC.DOC

STAFFORD FREY COOPER
Professional Corporation

A T T O R N E Y S
3100 TWO UNION SQUARE
601 UNION STREET
SEATTLE, WASHINGTON 98101-1374
TEL. (206) 623-9900
FAX (206) 624-6885